

RULE 5
BRIEFS

(a) Contested Proceedings. If a notice of contest is timely filed, the Supreme Court will establish a schedule for filing briefs.

(b) Uncontested Proceedings. If a notice of contest is not timely filed, briefs will not be required unless requested by the Supreme Court.

(c) Content of Brief. A brief should contain under appropriate headings and in the order here indicated:

(1) Title Page. A title page, which is the cover.

(2) Tables. A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the brief where cited.

(3) Statement of the Case. A fair statement of the facts and procedure relevant to the recommended discipline or retirement, without argument. Reference to the record must be included for each factual statement.

(4) Statement of the Issues. A statement of the issues presented by the commissions recommendation.

(5) Argument. The argument in support of the relief sought by the party filing the brief, together with citations to legal authority and references to relevant parts of the record. The argument may be preceded by a summary.

(6) Conclusion. A short conclusion stating the precise relief sought.

(7) Appendix. An appendix to the brief if deemed appropriate by the party submitting the brief.

(d) Typing and Filing Brief. Rule of Appellate Procedure 10.4(a) is applicable to briefs filed under these rules.

(e) Preparation of Brief. Rules of Appellate Procedure 10.4(b), (c), (e), (f), and (g) are applicable to briefs filed under these rules.

(f) Service of Brief. A party shall serve a copy of the party's brief on all other parties at or before the time the brief is filed with the Supreme Court.

(g) Reproduction of Brief. Rule of Appellate Procedure 10.5(a) is applicable to a brief filed under these rules.

(h) Submission of Improper Brief. Rule of Appellate Procedure 10.7 is applicable to a brief filed under these rules.

(i) Amicus Curiae Brief. Rule of Appellate Procedure 10.6 is applicable to an amicus curiae brief filed under these rules.

Comment

Section (a). If a proceeding is contested, the court will set the schedule for filing briefs. This will allow the court flexibility to accelerate those cases which should be speedily resolved, while permitting more time for cases which do not require quick resolution.

Section (b). In an uncontested case, the court will usually decide the case based on the decision of the commission, which should include the factual basis for the commissions recommendation. The court may order a brief from the commission if it concludes additional information is necessary.

Section (c). This section is adapted from RAP 10.3. Section (i). As a general rule persons other than parties will not be aware of a discipline or retirement proceeding, but the court or a party may occasionally find the need for an amicus curiae brief. This section incorporates the relevant appellate rule.

[Effective May 14, 1982]

